

## PROBASCO GUILTY.

He Will be Condemned to Imprisonment.

## THE JURY OUT ONLY TWO HOURS.

The Prisoner's Cross-examination Closed, and the Attorneys Make Their Speeches—The Garrison Jury Still Out, and Stands as It Stood on the First Ballot.

"Guilty, as charged in the indictment," was the verdict brought in by the jury in the Probasco case, after two hours deliberation, and imprisonment in the penitentiary was the penalty fixed for the defendant's assault on Urilla Jackson.

When court opened yesterday morning the cross examination of Probasco was renewed. Nothing new was developed, however, the witness sticking to his story of not having had anything to do with the girl, Urilla Jackson. He claimed the accusation was merely a conspiracy directed against him.

At the conclusion of the defendant's testimony Judge Paul notified the attorneys that he would allow each side two hours in which to present its arguments. Mr. Howard led off for the state, and was followed by Mr. Wilson for the defense. This was Mr. Wilson's first speech in the circuit court, and he made a very creditable argument. Mr. Boyce closed for the defense, and court adjourned until 2 p. m.

When the afternoon session opened Mr. Howard closed the case in a speech a little over an hour in length. The instructions prepared by the attorneys were read to the jury, at thirteen minutes to four o'clock the jury retired to the jury room opposite the one the Garrison jury was using.

At nineteen minutes to 5 o'clock the jury returned to the court room, and Sheriff Steenrod handed Judge Paul a slip of paper, on which Foreman Crummie had written: "Can the jury, in finding the prisoner guilty, add a clause to the indictment, and fix the penalty at imprisonment for life?"

"No," replied the judge, "you cannot," and the jury retired again.

It was evident from the query put by the jury that their was no question in the minds of its members as to the guilt of Probasco, but that they were averse to hanging him. The court's reply was dictated by the fact that only extreme penalties are affixed to the crime of indecent assault on a girl under twelve years of age, namely, death, or imprisonment for from seven to twenty years. The legislature in amending the old law, fixed the death penalty as the highest punishment, and forgot to leave as an alternative punishment imprisonment for life.

It was plain that the jury would not hang the prisoner, though it considered him guilty. At about quarter to 6 o'clock the jury returned, and Foreman Crummie, in reply to Clerk Mitchell, said that the jury had agreed upon a verdict.

"Stand up, Jack Probasco," said Clerk Mitchell, and Probasco arose, with his eyes fixed upon the jury. "What is your verdict?" said the clerk. "Guilty," responded the foreman. Probasco dropped back in his chair. He had evidently nerved himself, for nothing but a tight compression of the lips showed the fearful strain under which he was laboring. The jury had found him guilty, but his hope lay in the fact that the clerk still held in his hand the slip containing the verdict. "We, the jury," read the clerk, "find the prisoner guilty as charged in the indictment, and fix the punishment at imprisonment in the penitentiary. We recommend, as jurors, that the

FULL TEXT OF THE LAW be given." This last clause was the jury's request to the judge in sentencing the prisoner, to condemn him to the penitentiary for the full limit, twenty years. Mr. Howard wrote the verdict on the back of the indictment for Foreman Crummie to sign, and during this episode all eyes were directed at Probasco. With twenty years imprisonment staring him in the face, the prisoner bore up very well, and sat there with his hands clasped tightly in front of him, a heavy sigh marking his agitation occasionally.

At Mr. Boyce's request the jury was polled, each individual member giving his assent to the verdict, and the jury was discharged, the members being directed to appear again in court next Tuesday, May 31. About this time the Garrison jury came in, and not having agreed upon a verdict was not discharged. The jury just discharged looked pityingly upon the brethren who were preparing to spend the tenth night in captivity.

The verdict in the Probasco case seems to give general satisfaction. Many still think that death by hanging would be too good for the prisoner.

On the first ballot, the jury, unanimously voted the prisoner guilty, but there was some difference about awarding the extreme penalty of death. There being no provision in the statute for imprisonment for life, and some of the jury utterly refusing to agree to a death sentence, the verdict as finally agreed upon was rendered.

Counsel for the defense made application for a new trial, and Friday was set by the court for a hearing of the argument on the motion. Counsel wanted a little longer time, but Judge Paul said he would have to have a little time to consider the arguments after they were made, and as the term was approaching its close, Friday was the most available day.

THE GARRISON JURY STILL OUT. A Disagreement Expected—The Jury Now as It Stood on First Ballot.

The Garrison jury has not yet made up its mind, and seems to be as far from reaching a verdict as ever. Yesterday morning from 9 until 12:30 o'clock, the jury wrestled with its problem. No message was sent to the court before the jury came in at half-past twelve o'clock. It had not yet agreed upon a verdict, and Foreman Gibson told the court that the jury stood just where it had stood on the very first ballot. This statement increased the generally held opinion, that the jury would disagree. It has now been over two days and has not yet advanced from the position it occupied when the first ballot was taken. The jury will, however, no doubt be given plenty of time in which to decide upon a verdict, as Judge Paul seems disposed not to discharge it before it has had every opportunity to find a verdict. Dr. Garrison was in good spirits all day yesterday and laughed and chatted with his friends. His father was with him most of the day. It is the general opinion that the jury will get no nearer a verdict to-day than it has heretofore.

L.S. Gonsells dry goods the cheapest.

## LOCAL BREVITIES.

Matters of Minor Moment in and about the City.

ANGELERS are getting their rods and flies in order.

The social clubs are busily preparing for summer excursions.

Fish in hands are very popular in Wheeling just now, especially four aces.

NICKEL-IN-A-SLOT dice shaking machines are becoming popular in cigar stores.

The temperature of the river water is the leading subject of discussion with the small boy these days.

THESE are the days that try men's soles, remarked a Main street shoe merchant as he watched a friend wade in a big pool of water on the pavement.

EARLY yesterday morning a horse belonging to M. Beistinger, of Elm Grove, ran off on East McCulloch street and badly damaged the buggy to which he was hitched.

THE stoppage of a sewer near the corner of North Front and Indiana streets often floods the street, forcing persons to go a block out of their way to reach home. It should be looked after.

TWO counsel for William Maier, the wife murderer, will argue the motion for a new trial to-day before Judge Paul. A lengthy plea has been filed in the case, and the argument will be exhaustive.

J. C. HERVEY, the auctioneer, who has charge of the art gallery on Market street, has received instructions from Mr. Levy, the owner, who is now lying very low at the City Hospital, to sell all pictures regardless of price.

## ABOUT PEOPLE.

Strangers in the City and Wheeling Folks Abroad.

Mrs. Dr. Sprague has gone to Washington, Pa., to visit friends.

C. W. Danziger, of the Pittsburgh Commercial Gazette, is in the city.

Miss Lizzie Stuck is the guest of her sister, Mrs. Eugene McCoy, at Stouvenville.

D. McSweeney and J. McD. Bryce, two prominent glass men of Pittsburgh, are at the Stamm.

Mrs. O. Dell, of Parkersburg, and Miss Daro Poland, of Cameron, were at the Windsor yesterday.

Mr. Lew Hoffman, of Chicago, stopped in the city yesterday to visit his parents, while on his way east.

Mr. F. Breneman, of St. Louis, a large glass buyer, and a genial and accomplished gentleman, is visiting the local manufacturers.

Mrs. A. W. Pritchard and son, Mrs. F. B. Stewart, of Mannington, and Frank W. Clark, of New Martinsville, registered at the Stamm yesterday.

Geo. J. Jacob, of Clinton; J. A. Clark, of Fairmont; Dr. W. H. Gillespie, of Sistersville, and W. S. Cowen, of St. Clairsville, were at the McClure yesterday.

C. N. Robb, of Parkersburg, D. R. McPherson and D. C. Harkins, of Littleton, G. A. Glendening, of Ceredo, and L. Biddell, of Williamstown, are registered at the Behler.

Mrs. Martin Thornton and children left yesterday for Louisville, Ky., on the steamer Andes, to pay an extended visit to Mr. Thornton's brother, who is superintendent of the street car lines in that city.

Distinguished West Virginians. Under the above head the Chattanooga Times does up a party of Wheeling people in this "Bright" way:

"Hon. C. W. Bright, mayor of the city of Wheeling; Hon. John Cummins, ex-member of the state legislature, and Messrs. Lee Wells and James Crogan are in Chattanooga on their return from Atlanta. The three gentlemen last named are knights of the throttle, and were delegates from the Baltimore & Ohio railroad to the convention of locomotive engineers at the Atlanta meeting. They are accompanied by their wives, and the gay party, after viewing the city, declare Chattanooga the best town they have seen in the south. They are the guests of Dr. James E. Reeves, their old friend and former physician."

An Exciting Runaway.

An exciting runaway occurred yesterday morning at five o'clock on the South Side. The horse and wagon of Henry Dannenberg, the Eighth ward butcher, standing at the corner of Forty-fourth and Jacob streets, became suddenly frightened and tore madly up Jacob. Mr. Dannenberg made an effort to climb in the wagon, and was thrown violently to the ground and badly bruised. The horse turned down the B. & O. tracks at Forty-third street, until it came to Forty-third street, and then turned off and continued up Eoff street, where it ran into a front porch of Pat Flaherty's house, completely demolishing it, which brought the animal to a stand still without any injury to the horse or wagon.

Whipped a Boy.

The brutal actions of a well known team owner caused a good deal of indignation Tuesday evening. A boy was riding behind on one of the rigs owned by the man, and which was being driven by some one else. The owner happened along, and stepping up behind the boy he struck him a terrible blow over the shoulders with a long whip. As the lash curled around the little fellow he yelled and dropped off his seat on the ground on his hands and feet. Before he could get out of the way at least three blows were dealt him by the infuriated fellow. The boy escaped in a fast limp. No arrest was made.

ST. MATTHEW'S CHURCH—Ascension Day service at 8 p. m., at which Wheeling and Cyrene Commanderies of Knights Templar will be present. The public and the friends of the order are invited to attend.

TO REPUBLICANS.

It is part of the Democratic plan to challenge the vote of every Republican who has not been assessed under the new West Virginia election law. Don't let them find you unprepared.

Reduced Rates via the Pennsylvania Lines for German Baptist Meetings.

Excursion tickets at one fare for round trip will be sold from principal ticket stations on Pennsylvania Lines account German Baptist meetings as follows: To Millbrook, Pa., May 31st to June 4th, good returning until June 23d; to Cedar Rapids, Ia., May 29th to June 5th, good returning until June 30th.

ATTEND the opening concert of the Palace Saloon and Restaurant on Thursday evening, May 26, at No. 20 Sixteenth street, near postoffice. Music by Mayer's band. JOHN SHORT, Proprietor.

If you need spectacles, eyes tire or head aches when reading or sewing, consult and have your eyes tested for glasses without charge by Prof. Sheel, the Optician, corner Main and Eleventh streets. The only exclusive optician in the state.

SEE that you are assessed.

## FORCED TO MARRY.

The Girl He is Alleged to Have Betrayed.

## AT THE POINT OF A REVOLVER

Kidnapped from His Ohio Home, Escaped and Recaptured—Midnight Ride on the River—Dodging Bullets and Fleeing for Life—New Martinsville's Sensation.

Word reached here yesterday that the town of New Martinsville was all agog over a scandal of large proportions. A pistol and a shotgun, a midnight boat ride of a kidnapped young man in fear of imminent death, and all the accessories of the sensational story are told.

For some time past Fred Hofer, of Barnesville, Ohio, has been "keeping company," in a desultory way, with Miss Frankie Ober, of New Martinsville, two miles below. About two weeks ago, the story goes, Mr. Hofer escorted Miss Ober to her home from a G. A. R. blow out in New Martinsville. On the way the young man was informed that his companion was in a delicate condition, for which he was responsible. He cried, "come off," at this, "You know I'm not," when his eyes suddenly confronted a 32 calibre revolver, held in the little hand of the girl.

"You are responsible," she said, "and you'll have to marry me." Not wishing to die on the street, the young man promised whatever the girl asked.

For two weeks young Hofer remained away from New Martinsville and stuck to his home at Barnesville. Last Tuesday night on stepping out of a store in which he had been sitting talking with some friends, young Hofer again suddenly looked into the barrel of a revolver, from behind which glowered threateningly the father of Miss Frankie.

"Come along with me," said the one with the revolver. "I've got a skill down at the river, and I propose that you shall go down to New Martinsville with me and marry my daughter."

"But," gasped Hofer.

"No 'buts' about it. Come along now, or I'll put a bullet through you."

Down the wharf the two went, the skill was entered, the West Virginian put his revolver alongside of the thwart, and taking up the bars started down to New Martinsville. The two miles were covered in a short time and the boat landed. The young man got out first, and while the determined father was drawing the skill up on the shore made

A BREAK FOR LIBERTY, and started off on a run.

"Stop, or I'll fire," cried the abductor, but Hofer never stopped, and even two bullets fired after him failed to have the desired effect. Keeping along the river bank, Hofer soon came to a skiff. Finding no oars, he picked up a couple of barrel staves from the bank and skulled across to the fair Ohio shore.

Believing that the young fellow would return to Barnesville, Mr. Ober, the story continues, rowed back there himself and stationed himself outside the door of the Hofer residence until two or three o'clock in the morning.

Tired of waiting, he concluded to stroll down the river bank, and was rewarded by meeting his escaped prisoner on the way home. Again the ready pistol was brought into requisition, and again the weary ride down the river commenced. When Martinsville was reached both got out of the skiff, Mr. Ober being careful not to let young Hofer get out of his sight. Through the dark streets the procession of two went, the probate judge was roused out of bed, a marriage license was procured, a justice of the peace was handy, and at 4 o'clock in the morning the waiting bride and unwilling groom were married.

In the meantime Hofer's father had got wind of the affair, and, seizing a shot gun, started from Barnesville to New Martinsville, threatening to destroy the kidnaper of his son. When he arrived at New Martinsville the wedding was over.

At 9 a. m. Hofer began proceedings in divorce. He claims that he was never intimate with the girl, and that whatever condition she may be in cannot be ascribed to him. The town was excited yesterday, as it was feared the two fathers might come together and bloodshed result.

Waddell-Storer.

The wedding of Miss Nellie Lee Storer, the charming and accomplished daughter of Dr. John W. Storer, of Elm Grove, and Mr. John Milligan Waddell, a prominent young divine of Allegheny, Pa., took place at the Stone church at Elm Grove yesterday at eleven o'clock. The ceremony was witnessed by a large number of immediate friends of the contracting parties. The church was tastefully decorated with flowers and plants. The ceremony was performed by Rev. Laverty Greer, pastor of the church.

Directly after the nuptials the happy couple were driven to the residence of the bride's father, where a brief reception was held, after which Mr. and Mrs. Waddell left on the 2 o'clock train over the Baltimore & Ohio for an extended wedding tour. They will visit the groom's parents, who reside at Princeton, Ill.

A Mute Recovers Speech.

Alphonse Hemphing, of Summit township, Butler Co., Penn'a, made an affidavit that his twelve-year-old son, who had St. Vitus Dance for twelve years, lost his speech, was completely cured after using three bottles of Dr. Miles' Restorative Nervine, and also recovered his speech. Thousands testify to wonderful cures from using it for nervous diseases, dyspepsia, nervous debility, dullness, confusion of mind, headache, etc. Four doses of this Nervine cured Mrs. W. E. Burns, South Bend, Ind., who had been suffering with constant headache for three months. Trial bottle and elegant book free at Logan Drug Co's.

Don't forget the sale of fine arts by eminent artists that takes place, to-day, at No. 1157 Market street, at 2 and 7 o'clock p. m. Positive sale without reserve.

Reduced Rates to Minneapolis via Pennsylvania Lines.

Excursion tickets will be sold from principal ticket stations via Pennsylvania Lines to Minneapolis, Minn., June 2d to 6th, account Republican National Convention, at one fare for the round trip, good returning until June 25th.

Half Rates to Minneapolis via B. & O.

For the Republican National Convention on June 7, the Baltimore & Ohio railroad will sell round-trip tickets from all stations to Minneapolis at rate of one fare for the round trip. Tickets will be sold June 1 to 5 inclusive, and will be valid for return journey until June 25 inclusive.

## A MEAN ASSAULT.

With No Justification Whatever, by a Parkersburg Paper.

The Parkersburg State Journal of Monday had an article assailing certain members of the Republican state central committee. The article is without a particle of truth and is in such bad temper that an INTELLIGENCER reporter last evening asked Hon. G. W. Atkinson about it. Mr. Atkinson said the article was a false and dirty attack on the Wheeling members of the committee. It alleges that the executive committee, composed of William M. O. Dawson, of Preston, chairman; Captain John K. Thompson, of Putnam; J. D. Hewitt, of Mercer; G. W. Atkinson, of Ohio, secretary, and P. B. Dobbins, of Ohio, treasurer, was chosen at a meeting of which several members, including the one from the Parkersburg district, had no notice, and at which they were not present. It also accuses the Wheeling members of controlling the funds and dictating the methods of campaigns.

Said Mr. Atkinson: "That Central committee, which the Journal says is a splendid one, was partly chosen at Martinsburg on the day of the state convention, when all the members of the central committee in the town were present. Mr. John T. Harris, of Parkersburg, was not at the convention, and so not at the committee's meeting. There was a large majority of the members present. I positively declined to serve as secretary, and on my motion Chairman Dawson was empowered to appoint an executive committee and also secretary. The next thing I knew about it was when I saw those names printed in the INTELLIGENCER. I went to Mr. Dawson and told him I would not serve, but consented for a time, the understanding being that Mr. Thompson, of Putnam, would suggest the name of a Charleston Republican for secretary."

"Now, these people talk about Wheeling monopolizing things. I want somebody else to do my share of the monopolizing hereafter. I have spent five or seven hours a day working hard for the party, for nothing, and I am tired of it. You can just say for me that the State Journal's article is unjust and uncalled for, and that I do not like it a bit. I have written the editor a letter, telling him plainly what I think."

## A Short but Severe Storm.

Last night there were two very heavy storms. The first one, between eight and nine o'clock, lasted only about ten minutes and it is doubtful if a greater amount of water ever fell here in the same time. The gutters were quickly flooded, sewer openings stopped up, and in many places the streets were converted into rivers. Mud and rubbish were washed down from the steep streets in piles and deposited on the level ones. A little thunder and lightning accompanied the rain. No damage was done except the inroads on the Board of Public Works contingent fund due to the large amount of street clearing necessitated by the storm.

Butchers' National Convention.

The Wheeling delegates to the national butchers' convention arrived yesterday morning at Dallas, Texas, after being delayed twenty-four hours by high water and washouts. G. H. Medick, of Wheeling, president of the convention, presided at the opening session. The delegates are much pleased with their reception by the citizens of Dallas.

## NOTES ON NAVIGATION.

Stage of Water and Movements of Boats The River Interests.

The river was falling very slowly last night, with 12 feet 1 inch in the channel. It will no doubt begin to rise to-day. The reports from above were:

Brownsville—8 feet 2 inches and falling; cloudy.

Warren—3 feet 3/4 inches; cloudy and warm.

The packets are being well patronized by people going to the Cincinnati musical festival.

The Iron Queen will leave for Pittsburgh to-day at 4 a. m.—The Bedford will leave for the same port at 8 a. m.—The Hudson will pass down for Cincinnati at 8 a. m. and the Courier for Parkersburg at 11:30 a. m.

The steamer Scotia left yesterday for Pittsburgh at 5 a. m. and the Bachelor at 8 a. m.—The Lizzie Bay left for Charleston at 7 a. m.—The Andes passed down for Cincinnati at 8 a. m. and the Bon Hur for Parkersburg at 11:30 a. m.

## FATAL MINE ACCIDENTS.

Two Men Instantly Killed and Two Others Badly Hurt.

GREENSBURG, May 25.—George Workman, a miner at Mammoth, was instantly killed by a fall of slate this morning. He was a young man, unmarried.

This morning about 9 o'clock, while Jack Nagle, Clem Payden and J. C. Coleman were at work on the incline at the sand works of H. Sellers McKee, at Derry station, the cable broke and the cars came crashing down the incline, and before the men could get away struck and instantly killed Jack Nagle, and seriously and perhaps fatally injured Payden. Coleman, who is colored, was badly cut about the head, but his injuries are not serious. Nagle was about fifty years old, and leaves a small family, who reside at Derry.

Anarchist Demonstrations in Paris.

PARIS, May 25.—The anarchists, it is announced, have decided to hold a demonstration in front of the residence of M. Beaurepaire, the public prosecutor, and also in front of the ministry of the interior or the Palais de Bourbon. The object of the demonstration is to obtain the release of M. Pouget, the editor of the anarchist paper, *Le Peuple*, who was arrested last month and whose paper was suppressed. The police raided the lodgings of many anarchists yesterday, searching for dynamite.

## Half Fare to Chicago.

The Baltimore & Ohio railroad announces the sale of round-trip tickets from all stations to Chicago, June 16 to 20 inclusive, at rate of one fare for the round trip, on the occasion of the National Democratic Convention, on June 21. Tickets will be valid for return journey until July 8 inclusive.

PROF. F. R. ADAMS, of the Ohio Wesleyan University, will give an Organ Recital at Fourth street M. E. Church June 2.

DIED.

KURNER—On Wednesday, May 25, 1892, at 6 o'clock a. m., ANNA C., wife of J. C. Kurner, in her 68th year.

Funeral from the German M. E. Church on Friday, May 27, at 3 o'clock p. m. Friends of the family invited. Interment at Peninsula Cemetery.

DINGER—On Tuesday, May 24, 1892, at 6:30 o'clock p. m., ELISE MAY, eldest daughter of Daniel and Elizabeth Dinger, aged 10 years and 20 days.

Funeral notice hereafter.

LOUIS BERTSCHY,

(Formerly of Frow & Bertschy),

FUNERAL DIRECTOR

AND ARTERIAL EMBALMER.

1116 Main Street, East Side.

Calls by telephone answered day or night. Store Telephone 633; residence, 904.

## FURNITURE POLISH—G. MENDEL &amp; CO.

## Furniture Polish!

50C. PER BOTTLE.

Manufactured and Sold Exclusively by

## G. MENDEL &amp; CO.,

Furniture and Carpets, 1124 Main St.

Restores to their original brilliancy Pianos, Organs, Slate and Marble Mantles, Iron Fire Fronts, and puts a fine polish on old furniture.

DIRECTIONS—Apply with cloth or brush, and rub immediately with dry cloth.

SUMMER DRESS FABRICS—GEO. E. STIFEL & CO.

## (GEO. E. STIFEL &amp; CO.)

## Summer Dress Fabrics AND DRAPERY SILKS.

Special attention is called to these two lines of goods just now for the stock is complete with New and Choice Patterns, and the greatest variety ever shown in this city, and for quality and price are unequalled.

## WRAPS.

For Ladies and Misses we have an Elegant Line, and at GREAT BARGAINS.

## LACE CHENILLE and BAMBOO

## !!! Curtains !!!

Entirely New Designs at very Low Prices. Also Curtain Poles and Fixtures of All Kinds.

## GEO. E. STIFEL &amp; CO.,

1156 MAIN STREET.

## STAR CLOTHIERS—D. GUNDLING &amp; CO.

## "Satisfaction" versus "Toleration."

There is a great big difference between satisfaction and toleration. If you have plenty of patience you will tolerate what does not satisfy you; but there are some circumstances under which patience not only ceases, but never began to be a virtue; and that is exactly the case when you are imposed upon in the purchase of Clothing. All this is preliminary to the blunt, simple, flat-footed, straightforward announcement that you can buy nothing better than one of our

\$10, \$12 or \$15 SUITS

It's a prize you'll highly prize, and an agreeable surprise. Our prices never have been, are not, and never will be beaten.

A BURR OF CHESTNUTS.—"Special Sale for This Day Only!" "Fire Sale!" "Bankrupt Sale!" "Awful Sacrifice Sale!" We are not in it. A good, honest sale every day, honest prices and qualities and the most approved styles are what we offer for your consideration.

## D. GUNDLING &amp; CO.

Star Clothiers, 34 and 36 Twelfth Street.

## DINNER AND CHAMBER SETS—JOHN FRIEDEL.

## SPECIAL SALE

Will be Continued the Balance of This Week.

## DINNER

## Chamber Sets!

This will be your last chance to secure Bargains on these goods. Call and examine, and secure Bargains.

## JOHN FRIEDEL,

1119 Main Street.

BICYCLES—EDW. L. ROSE & CO.

## IN BUYING A BICYCLE,

Consider that there are Bicycles and Bicycles, and that a purchaser generally gets what he pays for in wheels as in other goods. If you want the best, always the Cheapest in the long run, get a COLUMBIA or VICTOR. Fully guaranteed by the best known manufacturers. More ridden than all others combined. Most of the best records made on them, and sold by

## EDW. L. ROSE &amp; CO.,

51 TWELFTH STREET.

